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PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES

Application No. : 10/614,759
Confirmation No. : 6109
Applicant : Joseph W. Schaffer et al.
Filed : July 8, 2003
Title : Flowmeter
TC/A.U. : 2855
Examiner : J: V. Thompson
Docket No. : SCHA3004/FJD
Customer No. : 23364

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22202-3514

Sir:

In the Notification issued on August 14, 2006, the Patent Appeals Specialist has indicated that two things are lacking in the Brief on Appeal filed on July 13, 2006, namely, "[t]he brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal," and "an argument under a separate heading for each ground of rejection."

Upon review of the Brief on Appeal filed, applicant must respectfully disagree with the Patent Appeals Specialist on her conclusion that the noted defects in fact exist.

On pages 3 and 4 of the Brief, there appears a SUMMARY OF CLAIMED SUBJECT MATTER, which discusses the features found in both claims 1 and 6 with specific reference to the specification. The sensors, the sensor electronics, the signal processing unit, and the output signal generator (the elements found in claims 1 and 6) are discussed. Nothing more is required.

On page 4, read in conjunction with page 5, it is clear that claims 2, 3, 4

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and 8 have been canceled by the amendment filed concurrently with the Brief. The cancellation of claims 2, 3, 4 and 8 leaves a single rejection, that of claims 1 and 6 as anticipated by Vander Heyden. This rejection is considered in the (1) Argument found on page 4 and 5 of the Brief. Nothing more is required.

In view of the foregoing, the Patent Appeals Specialist is urged to return the appeal to the jurisdiction of the examiner for further handling.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Felix J. D'Ambrosio', written in a cursive style.

Felix J. D'Ambrosio
Reg. No. 25,721

September 14, 2006

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